

COMMERCE SUBCOMMITTEE LEGISLATION WILL UNDERMINE SUPERFUND PROGRAM

□ 1745

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I wanted to spend 5 minutes today talking about what happened in the Commerce Subcommittee today with regard to the Superfund Program. I was very disturbed by the legislation that has been introduced by the Republican leadership yesterday in markup of the bill, and also today in marking up the bill. Myself and many of the other Democrats on the committee tried to make correcting amendments to the legislation because of the negative impact that we feel the legislation will have on the Superfund Program.

I do not have to tell my colleagues that not only in New Jersey but throughout the Nation a major effort has been made over the last few years in trying to clean up hazardous waste sites because of the Federal program we know as Superfund. Now, it is, of course, true that the program has not worked perfectly, and that while many sites have been cleaned up and many others are in the process of being cleaned up that there are still a lot more that need to be cleaned up. But this is not the time for us to backtrack on the Superfund Program. This is the time when we reauthorize this legislation to make it better, not to make it worse, not to undermine the basic underpinnings of the program.

Mr. Speaker, I feel strongly that the legislation that came out of our subcommittee today would significantly undermine the Superfund Program. Let me just give my colleagues some examples.

The legislation says that over the next few years only 125 new Superfund sites can be added to the national priority list. The fact that there would be a cap on the number of Superfund sites unrelated to any scientific analysis is in itself shameful, and during the debate over a proposed amendment to eliminate that cap it was abundantly clear, in my opinion, that the Republican leadership felt strongly that the Superfund Program really should be phased out; that they were trying to cap the program with the hope that over the next few years the program would be phased out and responsibility for the cleanup of hazardous waste sites would go back to the States.

Unfortunately, Mr. Speaker, what they failed to point out is that most States are not in a position to pay to clean up hazardous waste sites, particularly the most severely polluted. My home State of New Jersey is a case in point. We have over 6,000 hazardous waste sites that need to be cleaned up and only about 114 of them, I believe, are on the national priority list under Superfund.

We do not have the money, and there is no way that we can raise the money to clean up all those sites. We need help. We need help from the Federal Government. I would point out that the money that is used on the Federal level to pay for the Superfund cleanup comes from those who generate the pollution, comes from a tax on various companies.

Mr. Speaker, the other thing that is in this legislation that we tried to correct today was the idea of retroactive liability. There is, in the bill, in the Republican leadership bill, a provision that gives discounts, in other words rebates, back to those companies that have cleaned up sites, because they were liable in the past for having polluted the Superfund sites. We had an amendment, which I sponsored, which would have eliminated those rebates which says the polluter has to pay.

The basic tenet of the Superfund Program is that the polluters pay for the cleanup, not the taxpayers. If we are to undermine that concept and say now we are going to pay the polluters in certain circumstances because of liability that occurred in the past, that undermines the whole concept of the Superfund Program that the polluter pays.

Also, this new legislation would no longer provide a preference for permanent treatment of hazardous material at Superfund sites, so that instead of requiring the Environmental Protection Agency to go in and permanently treat the material so that the site is cleaned, instead we would see fences put up, material perhaps carted away, but no effort to necessarily do anything permanently to clean up the site.

Mr. Speaker, I think that is the wrong way to go about the Superfund Program. The idea of the Superfund Program was that there was going to be cleanup that was real and that the sites could be reused again.

There are an incredible number of exemptions for liability and efforts to take out various types of hazardous materials in this legislation that essentially will make for a much weaker Superfund bill.

Mr. Speaker, I would hope that over the next few weeks, as this bill moves through not only the Committee on Commerce but other committees and eventually to the floor, that we could get more and more support for the idea that this reauthorization of Superfund should be done in a way that improves the program rather than gutting it.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

[Mr. KIM addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

AN EXPLANATION OF CONGRESS' PREDICAMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DURBIN] is recognized for 5 minutes.

Mr. DURBIN. Mr. Speaker, those who have followed the congressional debate today may be in a quandary trying to figure out exactly what is going on on Capitol Hill. Let me try to set the record straight, so that there is an understanding about the political dynamic and what it means to every American family.

Mr. Speaker, we are in the process now of trying to come up with a budget for this fiscal year for the Federal Government. The fiscal year actually started October 1. There was a failure of the Republican leadership to pass appropriation bills on time to continue the business of the Federal Government. As a consequence, they have passed what is known as a continuing resolution which just basically keeps the agencies in business on a short-term basis.

There is a second item known as a debt ceiling, which basically gives authority to the Federal Treasury to continue to borrow money so that we can extend the full faith and credit of the United States and not default on our obligations. That debt ceiling limit should have been passed for a long period of time several weeks ago, but we have failed under the Republican leadership to do that either, and so now we are at an impasse.

The President of the United States has said that he will sign a bill which will keep the agencies of Government in business. He will sign a debt ceiling bill so that the United States does not default on its debt. But my Republican colleagues have decided to make this more interesting from a political point of view. They will not send the President a simple bill that meets our obligation. Instead they keep loading up every bill with their political favorites.

Mr. Speaker, there are special interest groups roaming all over the corridors on Capitol Hill, each of which wants another ornament for his Christmas tree, and so they find these bills that come along and they stick on a series of amendments, some of them very serious in tone, others just designed to keep special interest groups very happy.

The Republicans are going to send these bills to the President, and he has already told them that he is going to veto them. This leads to the so-called train wreck, the gridlock, the crisis which Speaker GINGRICH is using as part of his strategy to pressure the President of the United States.

Mr. Speaker, what is sad about this is that none of us, Democrats or Republicans, or Independents for that matter, were sent to Washington to engage in gridlock. We were not sent here to fail, to create problems, to close down Government agencies so people